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7 DON MCCOMAS,  
8 Plaintiff,  
9 v.  
10 CITY OF ROHNERT PARK, et al.,  
11 Defendants.  
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Case No. [16-cv-02705-TEH](#) (KAW)

**ORDER TERMINATING MOTION TO  
QUASH; ORDER REQUIRING  
PARTIES TO SUBMIT A JOINT  
LETTER**

Re: Dkt. No. 22

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13 On September 16, 2016, Plaintiff filed a motion to quash Defendant's subpoena for  
14 Plaintiff's personnel file from his employer RPM Automotive. (Dkt. No. 22). On September 20,  
15 2016, this case was referred to U.S. Magistrate Judge Kandis A. Westmore for discovery purposes.

16 Pursuant to the undersigned's standing order, discovery disputes between the parties must  
17 be addressed in a joint letter. (Judge Westmore's General Standing Order ¶ 13.) Accordingly, The  
18 Court TERMINATES the motion to quash and orders the parties to meet and confer in good faith  
19 to resolve the dispute without further court intervention. Should those efforts fail to fully resolve  
20 the remaining dispute, the parties shall file a joint letter not to exceed five pages, in which they  
21 provide a detailed summary of each party's final substantive position and their final proposed  
22 compromise on each issue, including relevant legal authority. *Id.* Additionally, the parties should  
23 attach the subpoena as an exhibit to the joint letter, which shall be tabbed and physically attached  
24 with a staple or brads.

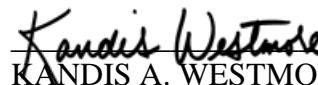
25 To aid the parties in their meet and confer efforts, and with only the benefit of reviewing  
26 Plaintiff's complaint and the motion to quash, the Court has difficulty believing that Plaintiff's  
27 entire personnel file is discoverable. Notwithstanding, Plaintiff's claims of emotional and  
28 physical distress likely require discovery regarding his medical history, including how it affected

1 his employment, if at all, both prior to and following the incident.

2 Additionally, any confidential information ultimately produced may be subject to a  
3 protective order, so the parties are ordered to meet and confer regarding entering into a stipulated  
4 protective order. *See* Northern District's Model Stipulated Protective Order for Standard Litigation  
5 (available at <https://cand.uscourts.gov/model-protective-orders>). Any stipulated protective order  
6 must be accompanied by a declaration indicating whether the parties are using a model protective  
7 order or a modified protective order. (*See* Judge Westmore's General Standing Order ¶ 11.)

8 IT IS SO ORDERED.

9 Dated: September 28, 2016

  
10 KANDIS A. WESTMORE  
11 United States Magistrate Judge

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United States District Court  
Northern District of California